

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Daniel DeAntonio, Special Agent with Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

INTRODUCTION AND BACKGROUND INFORMATION

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the FBI Tucson Resident Agency, Tucson, Arizona. I have been a Special Agent since January, 2019. I am currently assigned to investigations involving crimes in Indian Country, which includes attempted murder and aggravated assault. I have investigated these types of crimes during my career with the FBI. The statements contained in this Affidavit are based on my experience and background as a Special Agent and on information provided by other FBI Agents and law enforcement agents.
2. I submit this application and affidavit in support of a search warrant authorizing a search of the SUBJECT RESIDENCE 2 further described in **Attachments A and B**, incorporated herein by reference, which is located in the District of Arizona. Located within the SUBJECT RESIDENCE 2 to be searched, I seek to seize evidence, fruits, and instrumentalities of the foregoing criminal violations. I request authority to search the SUBJECT RESIDENCE 2, including any area within the room, where the items specified in **Attachment B** may be found, and to seize all items listed in **Attachment B** as contraband and instrumentalities, fruits, and evidence of crime.
3. The statements contained in this affidavit are based in part on: information provided by FBI Special Agents; written reports about this investigation that I have received, directly or indirectly, from other law enforcement agents, information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; and my experience, training and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested search warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I

believe are necessary to establish the necessary foundation for the requested warrant.

4. To my knowledge, no prior attempt by investigative or legal process has been submitted to obtain the same or similar information sought in this warrant application. The target of the investigation is likely unaware of the existence of this investigation, has not been contacted, and therefore has made no statements to the effect that he would preserve the original data in lieu of seizure.

PROBABLE CAUSE

5. On 06/06/2024, FBI Tucson Resident Agency received information from TFO Detective Christian Ralls from the Pascua Yaqui Tribal Police Department. TFO Ralls advised that on 06/06/2024, at approximately 2311hrs, an unknown male shot at I. C. (hereinafter referred to as Victim 1), date of birth 2009, in the area of 5160 Toroko Vampo, which is located on the Pascua Yaqui Indian Reservation. The unknown male was the passenger in a black Mercedes vehicle (hereinafter referred to as SUBJECT VEHICLE). FBI processed the scene and collected twelve (12) 7.62 shell casings. The casings were in the roadway and at the start of the northern residence's property.
6. Victim 1 was interviewed on scene and explained a black Mercedes drove by his residence, 5160 Toroko Vampo, multiple times prior to the shooting. Victim 1 explained that they were sitting outside at the box (power box), and observed the SUBJECT VEHICLE driving by. the SUBJECT VEHICLE kept driving by. The SUBJECT VEHICLE stopped and the person in the car asked him to come over. Victim 1 told everyone else to go inside. When Victim 1 went up to the SUBJECT VEHICLE, the driver, who was a female, told him to go to the other side. When Victim 1 went to the other side the male in the passenger seat pulled out an AK-47 and started shooting. Victim 1 described the SUBJECT VEHICLE as a black Mercedes. Victim 1 knew it to be a Mercedes because of the logo on the front. When the vehicle stopped, it stopped just east of his house's driveway, and was facing east. When Victim 1 went around to the passenger's side he saw the AK-47. It was a male with curly hair holding the AK-47. The male's hair was like an "afro," but he was light skinned. There was another male in the

back of the car. He had curly hair too but not as curly as the male in the passenger seat. This male's hair was shorter. The driver was a female. Victim 1 said the passenger who shot at him was probably 17 years old. Victim 1 stated he never saw him before. When Victim 1 saw the AK-47, the male then cocked it. Victim 1 hid behind the back of the SUBJECT VEHICLE and the passenger started to shoot. Victim 1 did not hear any doors but heard the windows go down. Victim 1 ran toward the cemetery (west) and then cut down the alley. Victim 1 thought he heard about 10 shots and Victim 1 could hear the rounds go by him. Victim 1 thought that bullets went down the road (west). Victim 1 described the AK-47 as having a wooden stock and handle. The other parts of the gun were black. The magazine for the AK-47 was curved and looked like a regular banana clip. Victim 1 explained he had never seen the SUBJECT VEHICLE before but explained it looked like a race car. The female driver did not call Victim 1 over by name. The female looked like she was 16 years old and was a little bit younger than the male. The female was short and was wearing shorts with a shirt over her shoulder. The female was medium build and there was nothing else he remembered about her. Victim 1 explained SUBJECT VEHICLE s Mercedes logo in the grille of the car was lit up. Victim 1 did not know anyone who had a Mercedes and explained the SUBJECT VEHICLE was newer. The SUBJECT VEHICLE was loud and sounded like it had a straight pipe (no or modified muffler). Victim 1 clarified that the male that shot was Mexican, skinny, and tall. Victim 1's brother F. C. (hereinafter referred to as Witness 1), date of birth 2011, was present when the SUBJECT VEHICLE drove by, prior to the shooting.

7. Witness 1 was also interviewed on 06/07/2024. Witness 1 explained that SUBJECT VEHICLE drove past them and then stopped while his brother (Victim 1), friend and himself were at the green box. The people in the SUBJECT VEHICLE said something and Victim 1 told the people in the SUBJECT VEHICLE to get out of here. the SUBJECT VEHICLE came back again and Victim 1 told Witness 1 to go back inside. After Witness 1 went inside he heard about 10 shots. Witness 1 described the SUBJECT VEHICLE as a Mercedes that had a glowing logo on the front of the car. the SUBJECT VEHICLE was

newer and was black. The driver of the SUBJECT VEHICLE was a female, and the passenger was a male with curly hair. There was a person in the back seat, and they were wearing a mask that only showed their eyes. The mask was black. Witness 1 described the female as wearing a pink or white dress. The female's hair was black and blonde, and her face was kind of chubby. Witness 1 described her face as being Asian, but she was white. Witness 1 described the male passenger with the curly hair as having dark skin like his. Witness 1 never saw the SUBJECT VEHICLE before. The SUBJECT VEHICLE stopped east of their driveway and was facing east. Witness 1 explained the passenger with curly hair had it cropped and together. Witness 1 explained he would be able to identify the passenger if he saw a photo of him. The passenger was sticking out of the front passenger window and was sitting on the rolled down window, with his head out of the SUBJECT VEHICLE. The passenger was wearing all black and had jacket on. The passenger in the back was wearing a hat. Witness 1 could not see the license plate, but recalled it being black with white numbers. Witness 1 believed that the shooter lived on the south side of Tucson. Witness 1 explained that Victim 1 used to text the shooter and that Victim 1 had beat the shooter up before. Witness 1 did not know his name but thought Victim 1 said "Art" or "Art Packs" when the SUBJECT VEHICLE drove by. Witness 1 explained that Victim 1 was scared of the shooter and that's why he didn't want to say anything. Witness 1 explained that Victim 1 fought Art at Spectrum and did not know if police came. After Witness 1 heard the shots, he ran outside. the SUBJECT VEHICLE was driving away. Witness 1 ran down the street to the west. While running Witness 1 heard two more shots.

8. J. G.-F. (hereinafter referred to as Witness 2), date of birth 2010, was interviewed on 06/07/2024. Witness 2 explained that they were just standing by the box. The SUBJECT VEHICLE kept passing by them, back and forth. Witness 2 explained that the SUBJECT VEHICLE was a Mercedes. The logo on the SUBJECT VEHICLE was lit up and the car was black. When the SUBJECT VEHICLE drove by the first time, it was driving at a normal speed. When it drove by the second time, it was driving slowly. The SUBJECT

VEHICLE sounded normal. After hearing the shots, Witness 2 went outside. They all started running down the road. Witness 2 remembered a female was driving and there was a male in the passenger. The female's hair was back, and she was Mexican or white. She appeared to be medium build. Witness 2 could only see her face. The male had curly hair, but he did not know who they were. Witness 2 couldn't really see their faces.

9. A. B. (hereinafter referred to as Witness 3), date of birth 2004, was interviewed on 06/11/2024. Witness 3 explained that a guy was driving around in Pascua Yaqui, in a black Mercedes. This guy drove up on Witness 3's friend Aaron. The people in the Mercedes were driving in and around Pascua Yaqui. The people also shot at people on the reservation. Witness 3 believed they were around 19 to 20 years old. The people in the Mercedes were part of a gang called OTBG. Witness 3 did not know what OTBG stood for, and explained that they were Mexican and black. Witness 3 did not know who shot from the Mercedes, but his friend Aaron did. Aaron sent Witness 3 a photo of the person that pulled up onto him (Aaron) on the reservation. Aaron told Witness 3 that the person in the Mercedes showed him a gun. The gun that was shown to Aaron was the same gun that was in the photo Aaron sent Witness 3. The person from the photo Aaron sent Witness 3 showed a younger, light skinned male, with curly hair. When they rolled up on Aaron there were other people in the Mercedes. Witness 3 stated OTBG were off the reservation but may be Pascua Yaqui members. Witness 3 did not know if Victim 1 knew who the shooter was. Witness 3 doesn't know Victim 1 and Witness 1 that well and just started hanging out with them. Witness 3 agreed to send the photos that Aaron had sent him. A description of the photos are below.

- Photo 1 depicts a male holding what appears to be a rifle. The male had a cropped type of haircut and he is standing in front of a red brick house with bars over a window. The

male is wearing a black shirt with white writing, blue pants, a white belt, and white colored shoes. The front of a black Mercedes vehicle can also be seen.



- Photo 2 depicts a male holding what appears to be a black handgun. The male had a cropped type of haircut and he is standing inside a room with a refrigerator and some type of door. A black rifle, which appears to be a AK-47 style rifle, can be seen leaning against the wall. The male is wearing a black shirt with white writing, blue pants, a white belt, and white colored shoes.



- Photo 3 depicts a male holding what appears to be a AK-47 style rifle, with a banana type magazine. The male had a cropped type of haircut and he is standing in front of a red brick house with bars over a window. The male is wearing a black shirt with white writing, blue pants, a white belt, and white colored shoes. The front of a black Mercedes vehicle can also be seen.



10. The photos appeared to be from an Instagram account with the user name of “hopoutart”. The Instagram account was located and viewable. A post from the user showed a black Mercedes bearing temporary tag 274927U. A query of AZ MVD for this temporary tag found it was associated with Arturo Garcia DOB: 05/11/1969 and was the SUBJECT VEHICLE, a black 2018 Mercedes Benz CLA. An open source query of Arturo Garcia found a relative named **Arturo Garcia Hernandez** (hereinafter referred to as ARTURO) DOB: 12/06/2005. A query of AZ MVD revealed an AZ driver’s license with a picture that visually matched the user of the Instagram account.

Name: **Arturo Garcia Hernandez**

DOB: 12/06/2005

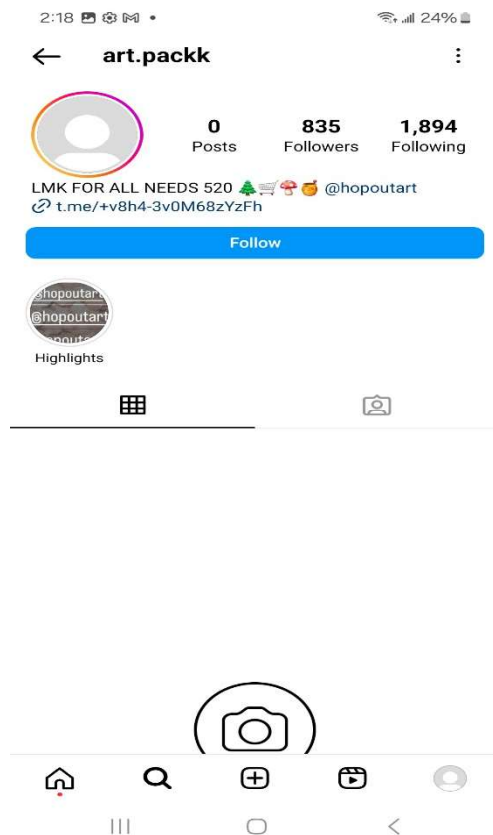
SSN: 764-60-3601

AZ DL: D07735838

Address: 1913 W Mistletoe Circle, Tucson, AZ 85713 (hereinafter referred to as SUBJECT RESIDENCE)

The SUBJECT RESIDENCE is also the residence listed on Arturo Garcia (DOB 05/11/1969), who is the listed owner of the SUBJECT VEHICLE.

A related Instagram account with username “**art.packk**” was also identified and a screenshot of that account is below.



11. A preservation request was submitted for both accounts on 06/12/2024, under Meta Case # 8736496.
12. A search for ARTURO was conducted and it showed he had an involvement with Tucson Police Department (TPD) on 06/09/2024, for a Domestic Violence incident. ARTURO was not at the scene when TPD arrived. According to reports, ARTURO physically assaulted his girlfriend K. M., date of birth 2005, at 5525 S Mission Road, Apt 3201. Also

present during this TPD incident was her roommate I. G. I. G. was the person who called 911. ARTURO had a stop and arrest flag placed on him.

13. On 06/12/2024, I. G. was interviewed by FBI Agents. I. G. explained that ARTURO was her roommate K. M.'s boyfriend. ARTURO had stayed at the apartment and had just recently had a domestic incident with K. M. I. G. explained that ARTURO had pointed a gun at their apartment in the past. I. G. described the gun as being a black colored AK-47. I. G. provided phone number 520-565-7715 as ARTURO's phone number. ARTURO and K. M. drove around all day and sold weed. That was how ARTURO made his money. I. G. explained that last week, ARTURO and K. M. went to do a sale on the Pascua Yaqui Indian Reservation. While doing the sale, ARTURO shot his AK-47 at someone, and K. M. was driving the Mercedes. I. G. confirmed that ARTURO drove and owned a black Mercedes. ARTURO took the AK-47 and all the money when he left I. G.'s apartment on 06/09/2024, before the police arrived. I. G. believed that ARTURO has the AK-47 with him. I. G. was sure the AK-47 was not in her apartment. I. G. knew ARTURO to also have a handgun. I. G. confirmed that ARTURO had an I-Phone 15 and he used it to facilitate his drug deals. It was also how ARTURO communicated.
14. On 06/12/2024, TPD Officers located the SUBJECT VEHICLE, within the city limits of Tucson. TPD Officers observed a male in the passenger seat that matched ARTURO's description. TPD was able to confirm ARTURO was in fact in the passenger seat. TPD had an active arrest warrant for ARTURO, related to the 06/09/2024 Domestic Violence incident. TPD Officers followed the SUBJECT VEHICLE to 1205 E Greenlee Road, Tucson, AZ. TPD Officers observed ARTURO exit the vehicle and enter into Unit #7 (hereinafter referred to as the RESIDENCE). TPD SWAT Team arrived and called ARTURO out of the RESIDENCE. After some time ARTURO exited the RESIDENCE and was arrest by TPD. ARTURO did not have any weapons or cell phones on his person. The RESIDENCE is a second story apartment with an unknown number.
15. On 06/12/2024, a federal search warrant was executed at the RESIDENCE (the first subject residence of this case). Multiple guns and ammunition were located and seized

from inside the RESIDENCE. The SUBJECT VEHICLE was also located and seized from the location. No AK-47 style rifle was found during a brief search of the inside of the SUBJECT VEHICLE. No AK-47 rifle was located within the RESIDENCE. Brief interviews were conducted with the occupants of the RESIDENCE. During the interview of Y.F., Y.F. explained that ARTURO did not come into the apartment with an AK-47 style rifle. Y.F. never saw ARTURO with an AK-47 in person and only saw it on Instagram.

16. TPD advised FBI that TPD surveillance units were following ARTURO for a majority of the day on 06/12/2024. TPD advised that ARTURO was first observed leaving the SUBJECT RESIDENCE. TPD observed the SUBJECT VEHICLE stop at a few different locations but did not observe ARTURO with an AK-47 during that time. TPD advised that ARTURO was first observed leaving the SUBJECT RESIDENCE (the second location in this case) at 1913 W Mistletoe Circle, Tucson, AZ 85713. A federal search warrant was obtained for this location on June 13, 2024, and, while the search is ongoing, the agents recovered the box with the make, model, and serial number of the AK-47. Agents also recovered the user manual to the AK-47 in the room believed to occupied by ARTURO. However, at the writing of this affidavit, the AK-47 has not been located at this location. One of the locations ARTURO stopped at for a period of time was 5950 South Park Ave APT #511, Tucson, AZ (hereinafter referred to as SUBJECT RESIDENCE 3).
17. On 06/13/2024, FBI and TPD arrived at SUBJECT RESIDENCE 3 and made contact with P.H. and L.M. in the apartment. P.H. explained that she was one of the occupants of the apartment and L.M. was her boyfriend. P.H. gave consent for TPD and FBI to search all common areas of the apartment and her room. P.H. could not give consent for her roommate Victoria Pena. P.H. confirmed that ARTURO is Pena's boyfriend. Pena was contacted by FBI and was verbally asked if consent could be given for her room. Pena declined and stated she would be home in a few hours. P.H. did not know the last time ARTURO was over but could confirm he was there approximately a week ago.

CONCLUSION

18. I submit that this affidavit supports probable cause for a warrant authorizing the search of the SUBJECT RESIDENCE 3 and all areas within the room, to seize items described in Attachment B. The items will provide evidence related to the crimes involving Attempted Murder, in violation of Title 18 United States Code 1113 and Assault with a Dangerous Weapon, in violation of Title 18 United States Code 113(a)(1).

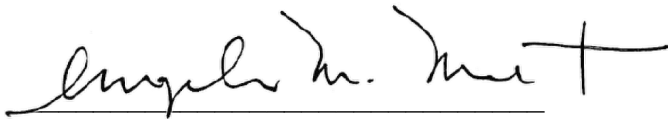
Respectfully Submitted,

DANIEL
DEANTONIO

Digitally signed by
DANIEL DEANTONIO
Date: 2024.06.13
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Special Agent Daniel DeAntonio
Federal Bureau of Investigation

Subscribed and sworn to me on
this 13th day of June, 2024



Honorable Angela M. Martinez
United States Magistrate Judge